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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,843	08/29/2003	Richard L. Wilder	IGT1P277/P-798	8136
22434	7590	01/14/2008		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			PANDYA, SUNIT	
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			3714	
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			01/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/651,843	Applicant(s) WILDER ET AL. <span style="float: right;">CT</span>	
	Examiner Sunit Pandya	Art Unit 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Itkis (US Patent 4,856,787).

Claims 1-3, 9: Itkis discloses of a system configured to offer a wagering event to a player comprising a multiple gaming terminals, wherein each terminal contains a display to display wagering event information to the players (figure 1, wherein multiple wagering terminals with display for displaying wagering information are disclosed). Itkis also discloses each wagering terminal having a touch screen for player input (col. 1: 54-4), and a monetary/card interface to accept wager (figure 1 discloses

card input for player tracking cards and all gaming terminal must definitely have a monetary input in order to activate the wagering terminal, i.e. a monetary input could be coin input, cash input, credit card input etc.) Itkis discloses memory to store machine readable game codes and a single processor (the master computer in figure 1 device 1 contains a processor), which executes said codes to offer games and bonuses related to the games to plurality of slave game device from a master game device (col. 3: 13-34).

Claims 4-6, 8, 12-13, 16: Itkis discloses memory and processor being remote from the slave game terminals, wherein the processor controls multiple gaming terminals which are connected through a network (col. 3: 13-34, 3: 66-11).

Claims 7, 15 & 19: Itkis discloses master game device (Figure 1, element 1) that contains a memory to store machine readable game codes and a single processor (the master computer in figure 1 device 1 contains a processor) to execute said codes to offer games and bonuses related to the games to plurality of slave game device (col. 3: 13-34), and multiple gaming terminals to concurrently present wagering event to multiple players (figure 1, wherein multiple wagering terminals with display for displaying wagering information are disclosed). Itkis teaches of having communication interface connected to the control module to send data to and receive data from the plurality of gaming terminals (col. 3: 66-11, 5: 15-32).

Claims 10-11: Itkis discloses of master game device comprising a processor, a memory and additional expansion ports which could be used for video adapter as well as audio adapter (col. 3: 13-34, 5: 3-8).

Claims 17 & 20: Itkis discloses of a single controller controlling multiple wagering games (figure 2 master game device controlling the slave devices, col. 3: 13-34).

Claim 18: Itkis teaches wherein the control module could be a personal computer (figure 1) and each gaming terminal comprises a display and a player interface (see figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1-13 and 15-20 above, and further in view of Stepan et al. (US Patent 4,621,814).

Claim 14: Itkis teaches the invention substantially as claimed however, Itkis fails to teach of having multiple gaming terminals within the same housing. Stepan teaches of an amusement device housing that allows multiple gaming devices to be placed in the same housing (see figure 1 and abstract). It would have been obvious to one with ordinary skill in the art at the time of the invention to have modified Itkis to allow multiple

gaming device to be placed in the same housing to reduce space being occupied by the multiple gaming machines.

### ***Response to Arguments***

Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Regarding the applicant's arguments that Itkis does not mention of machine-readable game code. The examiner respectfully disagrees with the applicant, all of machines in the reference Itkis, require specific machine codes or programs to perform the functions needed, which have to be executed in order for the machine to successfully initiate, therefore it would be inherent for Itkis to have machine readable game codes thus to implement his gaming system, in order to keep the gaming system functioning successfully.

Regarding the applicant's arguments that Itkis is silent as to where and if the master gaming device stores the machine-readable game codes. The examiner would like to direct the applicant's attention to figure 1, wherein element 3 is a hard drive which would contain the machine readable game codes, which are necessary to successfully execute any games.

Regarding the applicant's arguments that Itkis does not mention of machine-readable game code. The examiner respectfully disagrees with the applicant, all of machines in the reference Itkis, require specific machine codes or programs to perform the functions needed, which have to be executed in order for the machine to

successfully initiate, therefore it would be inherent for Itkis to have machine readable game codes thus to implement his gaming system, in order to keep the gaming system functioning successfully.

Regarding the applicant's arguments that "inherency.... and its obviousness are entirely different questions", the examiner agrees with the applicant in regards to obviousness and inherency being entirely different, thus the examiner would like to clearly point out that no-where does the examiner states the obviousness features in the rejection in relations to the reference Itkis. Therefore the applicant's arguments are spurious arguments.

Regarding the applicant's arguments that there is no supported teaching of the inherency asserted in the office action in Itkis, the examiner respectfully disagrees with the applicant. The examiner clearly states that Itkis discloses of a computer which contains memory and a processor to perform required actions/task, in order for the machine to perform the function it is supposed to be performing it needs a machine readable code telling the processor the appropriate actions/functions needed to be performed to implement his gaming system, in order to keep the gaming system functioning successfully. Thus it would be inherent for Itkis to have machine readable codes in successfully implement the gaming system. See *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or

possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.”

Regarding the applicant's arguments that Itkis does not teach each and every element as set forth in independent claim 1, specifically Itkis fails to teach a single processor configured to access the memory to execute machine readable game code to concurrently offer a game to multiple players. The examiner respectfully disagrees with the applicant, see rejection above.

Consequently, Itkis discloses the invention as claimed, in the claims, and therefore the rejection is maintained.

#### ***Examiner Notes***

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Conclusion***




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

  
Robert Pezzuto  
Supervisory Patent Examiner  
3714